

FILED  
U.S. DISTRICT COURT

2014 SEP 17 AM 11:33

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DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP KAY LYMAN,  
MONTE JEROME WELLS,  
JAY DEMAR REDD,  
SHANE MORRIS MARIAN, and  
FRANKLIN TRENT HOLLIDAY,

Defendants.

**MISDEMEANOR INFORMATION**

I. Conspiracy to Operate Off-Road Vehicles on  
Public Lands Closed to Off-Road Vehicles (18  
U.S.C. § 371)

II. Operation of Off-Road Vehicle on Public  
Lands Closed to Off-Road Vehicles (43 U.S.C.  
§§ 1701, 1733, 43 C.F.R. § 8341.1(c), and 18  
U.S.C. § 2)

Case: 2:14-cr-00470  
Assigned To : Furse, Evelyn J.  
Assign. Date : 09/15/2014  
Description: USA v.

**COUNT I**

**The Conspiracy and its Objects**

1. From on or about February 27, 2014, and continuing until on or about May 10, 2014, in the Central Division of the District of Utah,

PHILLIP KAY LYMAN,  
MONTE JEROME WELLS,  
JAY DEMAR REDD,  
SHANE MORRIS MARIAN, and  
FRANKLIN TRENT HOLLIDAY,

the defendants herein, together, did unlawfully, willfully, and knowingly combine, conspire, confederate and agree among themselves and with each other and with others known and unknown to operate off-road vehicles through land restricted to off-road vehicles and administered by the Bureau of Land Management, in violation of 43 U.S. C. §§ 1701, 1733, and 43 C.F.R. § 8341.1(c).

2. It was the plan and purpose of this conspiracy to unlawfully operate off-road vehicles through the restricted area, namely Recapture Canyon, as a means of expressing opposition to the Bureau of Land Management and its management of Recapture Canyon.

**Manner and Means of the Conspiracy**

3. It was part of the conspiracy that beginning on or about March 2, 2014, PHILLIP KAY LYMAN began advertising the proposed ATV ride through the restricted area of Recapture Canyon to occur on May 8, 2014 through social media.

4. It was further part of the conspiracy that on or about April 11, 2014, PHILLIP KAY LYMAN advertised the proposed ATV ride through the restricted area of Recapture Canyon to occur on May 8, 2014 by publishing an article in the Deseret News. PHILLIP KAY LYMAN then promoted that published article using social media.

5. It was further part of the conspiracy that on or about April 17, 2014, PHILLIP KAY LYMAN, using social media, began advertising a changed date of the proposed ATV ride through the off-road vehicle restricted area in Recapture Canyon from May 8, 2014 to May 10, 2014 to allow more people to participate.

6. It was further part of the conspiracy that on or about April 27, 2014, PHILLIP KAY LYMAN and MONTE JEROME WELLS published and promoted on various social media websites an invitation, with accompanying instructions, to the public to join the proposed ATV ride through the off-road vehicle restricted area in Recapture Canyon on May 10, 2014.

7. It was further part of the conspiracy that on or before May 5, 2014, PHILLIP KAY LYMAN and MONTE JEROME WELLS filmed a three-part video interview in which they discussed the nature, the origin, and plans of the proposed ATV ride through the off-road vehicle restricted area in Recapture Canyon.

8. It was further part of the conspiracy that on or about May 5, 2014, MONTE JEROME WELLS promoted the video interview between PHILLIP KAY LYMAN and MONTE JEROME WELLS on various social media websites advertising and promoting the proposed ATV ride through the off-road vehicle restricted area in Recapture Canyon.

9. It was further part of the conspiracy that on or about the morning of May 10, 2014, PHILLIP KAY LYMAN and JAY DEMAR REDD spoke to a large gathering of people at a meeting held in Blanding, Utah before the proposed ATV ride, instructing and encouraging the

group regarding the proposed ATV ride through the off-road vehicle restricted area in Recapture Canyon.

**Overt Act in Furtherance of the Conspiracy**

In furtherance of the conspiracy alleged above and to effect the object thereof, the following overt acts, among others, were committed in the Central Division of the District of Utah:

10. On or about May 10, 2014, PHILLIP KAY LYMAN knowingly and willfully operated an off-road vehicle through the off-road vehicle restricted area of Recapture Canyon.
11. On or about May 10, 2014, MONTE JEROME WELLS knowingly and willfully operated an off-road vehicle through the off-road vehicle restricted area of Recapture Canyon.
12. On or about May 10, 2014, JAY DEMAR REDD knowingly and willfully operated an off-road vehicle through the off-road vehicle restricted area of Recapture Canyon.
13. On or about May 10, 2014, SHANE MORRIS MARIAN knowingly and willfully operated an off-road vehicle through the off-road vehicle restricted area of Recapture Canyon.
14. On or about May 10, 2014, FRANKLIN TRENT HOLLIDAY knowingly and willfully operated an off-road vehicle through the off-road vehicle restricted area of Recapture Canyon.

All in violation of 18 U.S.C. § 371.

**COUNT II**

15. On or about May 10, 2014, in the Central Division of the District of Utah,

PHILLIP KAY LYMAN,  
MONTE JEROME WELLS,  
JAY DEMAR REDD,  
SHANE MORRIS MARIAN, and  
FRANKLIN TRENT HOLLIDAY,

the defendants herein, each knowingly and willfully operated an off-road vehicle through land closed to off-road vehicles and administered by the Bureau of Land Management, and did aid and abet each other therein, all in violation of 43 U.S.C. §§ 1701, 1733, 43 C.F.R. § 8341.1(c), and 18 U.S.C. § 2.

DATED this 17 day of SEPT, 2014.

CARLIE CHRISTENSEN  
Acting United States Attorney



JOHN W. HUBER  
Assistant United States Attorney